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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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JAMES DARREN CRAWFORD,  
Plaintiff,  
v.  
JEFFREY BEARD, et al.,  
Defendants.

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Case No. [14-cv-05578-MEJ](#)

**ORDER DENYING REQUEST FOR  
EXTENSION OF TIME WITHOUT  
PREJUDICE TO REFILING**

Re: Dkt. No. 81

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Plaintiff, an inmate at Calipatria State Prison, filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983, complaining of civil rights violations at Pelican Bay State Prison (“PBSP”), where he was previously housed. On September 29, 2017, the Court granted Defendants’ motion to dismiss and for summary judgment, and entered judgment in favor of Defendants. Dkt. Nots. 70, 71. On July 3, 2018, the Court denied Plaintiff’s motion to alter or amend the judgment. Dkt. No. 78. On July 19, 2018, Plaintiff filed a notice of appeal. Dkt. No. 80. On July 31, 2018, Penny Schoner, a paralegal, filed on behalf of Plaintiff a motion for an extension of time to file the appeal brief with the Ninth Circuit. Dkt. No. 81. Ms. Schoner is not a party to this action, nor can she represent Plaintiff because she is not an attorney.<sup>1</sup> Accordingly, Ms. Schoner may not file motions on behalf of Plaintiff. The Court will DENY this motion without prejudice to Plaintiff re-

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<sup>1</sup> In filing pleadings on behalf of Plaintiff, Ms. Schoner has engaged in the unauthorized practice of law. In determining what constitutes the unauthorized practice of law, the Court looks to state law. *In re Reynoso*, 477 F.3d 1117, 1125 (9th Cir. 2007). Under California law, no person shall practice law in California unless the person is an active member of the State Bar. Cal. Bus. & Prof. Code § 6125. The practice of law includes preparing and filings pleadings. *See Birbower, Montalbano, Condon & Frank v. Sup. Ct.*, 949 P.2d 1, p5 (Cal. 1998) (practice of law is “the doing and performing services in a court of justice in any matter depending therein throughout its various stages and in conformity with the adopted rules of procedure”) (internal quotation marks and citation omitted).

1 filing this motion himself.

2 This order terminates Dkt. No. 81.

3 **IT IS SO ORDERED.**

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5 Dated: August 7, 2018



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7 MARIA-ELENA JAMES  
United States Magistrate Judge

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